

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of Arkansas

Fort Smith Division

US DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED
APR 03 2017
By DOUGLAS F. YOUNG, Clerk
Deputy Clerk

BILLY TAYLOR, Individually and as Member
Manager of WISHBONE'S MUSIC AND CHICKEN
JOINT, LLC.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

LARRY MURRAY, JAY CARL (J.C.) RIDER,
CHRISTOPHER CHISUM, and SEAN BENOIT

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

17-2052

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	BILLY TAYLOR		
Address	201 HIGHWAY 255		
	Lavaca	AR	72941
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Sebastian		
Telephone Number	479-353-5180		
E-Mail Address	Billy@vitalabs.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	LARRY MURRY		
Job or Title <i>(if known)</i>	Police Officer and Landlord		
Address			
	Tahlequah	OK	
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Cherokee		
Telephone Number	479 651-7512		
E-Mail Address <i>(if known)</i>			
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	JAY CARL (J.C.) RIDER		
Job or Title <i>(if known)</i>	ABC Officer		
Address			
	Hackett	AR	72937
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Sebastian		
Telephone Number			
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Name	CHRISTOPHER CHISUM		
Job or Title <i>(if known)</i>	Member Manager of Wishbone's and Paragon Medical Solutions		
Address			
	City	State	Zip Code
County	Sebastian		
Telephone Number	903-277-6089		
E-Mail Address <i>(if known)</i>	wzchriscash@yahoo.com		
	<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity		

Name	SEAN BENOIT/PARAGON MEDICAL SOLUTIONS, LLC.		
Job or Title <i>(if known)</i>	Owner		
Address			
	Jefferson	VT	
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County			
Telephone Number			
E-Mail Address <i>(if known)</i>	sean@mavieo.com		
	<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity		

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

- Page 3 of 7

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendant, Larry Murry is a police officer and landlord to a lease contract involving the Plaintiff. Defendant Murry used his authority and/or resources available to him as a police officer to gather and report information pertaining to Plaintiff's business which was engaged in the sales of alcoholic beverages. This information was reported to and received from Defendant Jay Carl (J.C.) Rider, who is an agent or officer with the Arkansas Alcoholic Beverage Control (ABC) Board. Defendants Murry and Rider used their power, authority, and resources to conspire with one another and Defendants Christopher Chisum and Sean Benoit to ruin Plaintiff's business and deprive Plaintiff of his legal authority to sell alcoholic beverages at said business. Defendant Murry appeared at Plaintiff's place of business while acting under his authority as a law enforcement officer and began questioning employess and others about the business and its activities pertaining to the sale of alcoholic beverages without probable cause or a reasonable suspicion of any illegal activities. Defendant Murry used his authority and resources available to him as a law enforcement officer to find and question other business partners of the Plaintiff regarding matters that were completely unrelated to the lease in order to obtain potentially incriminating information for the purpose of ruining Plaintiff's business. The above-referenced conspiracy and actions taken in furtherance thereof was done with the specific aim to remove Plaintiff from the business and out of the building leased by the Defendant, Larry Murry, so that Larry Murry and Defendants Chisum and Benoit could enter into a business at said location and profit therefrom at the expense of the Plaintiff.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Wishbone's Music and Chicken Joint, LLC, and surrounding areas in downtown Fort Smith, AR.

- B. What date and approximate time did the events giving rise to your claim(s) occur?
The acts complained of herein began in mid January of 2017 and continues to this day.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Plaintiff hereby incorporates and re-alleges all preceding paragraphs and further states that Defendants Christopher Chisum and Sean Benoit worked with Defendants Murry and Rider to ruin Plaintiff's business so that a new business formation between Chisum and Benoit could replace Plaintiff's business interest in Wishbone's Music and Chicken Joint, a company owned and operated by Plaintiff and Christopher Chisum. Defendants Chisum and Benoit own Paragon Medical Solutions, LLC, and sought or are seeking to replace Plaintiff's business interests in Wishbone with their own under a new company which would ostensibly be the same business minus the Plaintiff.

Defendant Murry was unjustly enriched by tortiously interfering with the Operating Agreement in place between the Plaintiff and Defendant Chisum. Plaintiff invested significant sums of money in the upgrading and improvement of the property leased by Murry. By using his authority as a law enforcement officer to remove Plaintiff from Wishbone and ruining Plaintiff's business interests therein, Defendant Murry now seeks to lease a newly upgraded property to Chisum and Benoit who will run ostensibly the same business as Wishbone minus the Plaintiff.

Additionally, Defendant Chisum runs the social media platforms pertaining to Wishbone. Plaintiff has no access to the social media platforms. Defendant Chisum has made untrue statements about the Plaintiff which have caused injury to Plaintiff's reputation in the community as well as his customer base. Defendant Chisum has also made other untrue statements regarding the Plaintiff, which have caused injury to Plaintiff's reputation and other businesses outside of social media and continues to do so both on and off of social media platforms. Plaintiff requests a temporary restraining order preventing Defendant Chisum from continuing to do so.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Defendant has lost his business interests in Wishbone and suffered harm to his reputation in addition to the lost profits of Wishbone and costs of upgrading Defendant Murry's property.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff prays for judgment in of at least \$200,000 for lost profit from his interest in Wishbone, the significant improvements made to the property owned and leased by Defendant Murry, and the harm to his personal and business reputation, and seeks a temporary restraining order immediately enjoining Christopher Chisum from making untrue statements about the Plaintiff on social media or any other platform, and immediately enjoining Larry Murry from using his authority as a law enforcement officer to gather information about the Plaintiff and his businesses for his own business interests.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

4/3/17

Signature of Plaintiff

Billy

Printed Name of Plaintiff

Billy Taylor**B. For Attorneys**

Date of signing:

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address